

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

TOMEKA R. WOODS, formerly)	
TOMEKA R. YOUNG,)	
)	
Plaintiff,)	
)	
vs.)	CASE NO.: <u>2:13-CV-01367 HGD</u>
)	
ONEWEST BANK, F.S.B, et al.)	
)	
Defendants.)	

PLAINTIFF'S OBJECTION TO DEFENDANT'S MOTION TO DISMISS

Comes Now the Plaintiff by and through her attorney of record in the above-style cause and objects to the Defendant's (OneWest Bank FSB) Motion to Dismiss upon the following grounds:

1. Plaintiff's second amended complaint raises various causes of actions emanating from the statement of facts that offered more detail into the Defendant's wrongful conduct and give rise to federal violations.
2. Plaintiff further re-asserts that as a result of her second amended complaint, she has pleaded enough facts to state a claim to relief that is plausible on its face for which relief can be granted.
3. Pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, in considering a 12(b)(6) motion the Court must take all allegations of material fact as true and construe them in the light most favorable to the nonmoving party. When a claim is challenged under this Rule, the Court construes the pleading liberally in the pleader's favor. Further, the Court resolves all reasonable doubts and inferences in the pleader's favor.
4. Given the second amended pleading, Plaintiff asserts that Defendant's Motion to Dismiss is moot and therefore, not warranted.

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that this Honorable Court denies the Defendant's Motion to Dismiss.

Respectfully submitted,

/s/Victor R. Spencer
Victor R. Spencer(SPE029)
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Birmingham, AL 35208
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CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing Plaintiff's Objection to Defendant's Motion to Dismiss upon the parties listed below by e-filing the same on this the 2nd day of October, 2013.

Keith s. Anderson
Bradley Arant Boult Cummings LLP
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Birmingham, AL 35203-2119

/s/Victor R. Spencer
Victor R. Spencer